

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,
vs.
39404 NORTH TAMARACK
LANE, DEER PARK,
WASHINGTON, TOGETHER
WITH ALL APPURTENANCES,
FIXTURES, ATTACHMENTS,
AND IMPROVEMENTS
THERETO AND THEREUPON,
Defendant.

CV-07-158-FVS

Final Order of Forfeiture of Substitute Res

Plaintiff, United States of America, filed a Verified Complaint for Forfeiture In Rem on May 16, 2007, alleging that the defendant property was subject to forfeiture to the United States pursuant to 21 U.S.C. § 881.

The above court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The defendant real property is located at 39404 North Tamarack Lane, Deer Park, Washington, and is legally described in the Verified Complaint for Forfeiture In Rem, filed herein.

Real property records show that the property is owned by Douglas M. Gardner and Myra Gardner, husband and wife, subject to a Deed of Trust between Douglas and Myra Gardner, and CLS Mortgage, Inc., which was in turn assigned to Ron G. Gifford and Carol M. Gifford, husband and wife, by CLS Mortgage, Inc., via an Assignment Deed of Trust, executed on January 23, 2005.

1 On June 13, 2007, Douglas and Myra Gardner filed a Claim to the
2 Defendant real property.

3 In a Stipulation for Order of Forfeiture of Substitute Res, filed on January
4 22, 2008, Claimants, Douglas and Myra Gardner agreed to provide \$30,000.00
5 substitute res to the United States in lieu of forfeiture of the Defendant real
6 property. Douglas and Myra Gardner also agreed in said stipulation to the entry of
7 an order of forfeiture forfeiting the substitute res in the amount of \$30,000.00 to
8 the United States of America, without further notice or hearing.

9 On February 26, 2008, a Notice of Compliance was filed, which indicates
10 that on or about February 26, 2008, a cashier's check for the \$30,000.00 substitute
11 res, made payable to the U.S. Marshal's Service, was delivered to the United States
12 Attorney's Office.

13 It appearing to the Court that the United States and Claimants Douglas and
14 Myra Gardner agreed, in the stipulation filed herein, to the forfeiture of \$30,000.00
15 in lieu of forfeiture of the Defendant real property;

16 It appearing to the Court that the \$30,000.00 substitute res has been provided
17 to the United States in accordance with the stipulation filed herein.

18 **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED**, that Ct.
19 Rec. 22 is GRANTED. The \$30,000.00 is hereby forfeited to the United States;

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1 IT IS FURTHER ORDERED that the United States Marshals Service shall
2 dispose of the \$30,000.00 in accordance with law.

3 DATED this 27th day of February, 2008.

4 s/ Fred Van Sickle
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6 Fred Van Sickle
7 United States District Judge

8 Presented by:
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10 James A. McDevitt
11 United States Attorney

12 s/Jared C. Kimball

13 Jared C. Kimball
14 Assistant United States Attorney

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